

Appln No. 09/684,859
Amdt date September 7, 2004
Reply to Office action of June 7, 2004

REMARKS/ARGUMENTS

Claims 1-36 are currently pending in this application. Applicant has amended claims 1, 11, 17, 19, 20 and 28. The amendments find full support in the original specification claims and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reexamination, reconsideration, and an early indication of allowance of claims 1-36 is respectfully requested.

The Examiner rejects claims 1-23, 25-31, and 33-35 under 35 U.S.C. 103(a) as being unpatentable over Business Wire (Business Wire, "ShopLink Selects Descartes' e-Business Home Delivery Solution to Optimize Service and Delivery for the Online Grocery and Household Service," Descartes Press Release, Business Wire, 6 August 1999) in view of CNN Matthews (CNN Matthews, "The Descartes Systems Group Unveils Revolutionary Web-Based Delivery Management System to Monitor the Flow of Products Throughout the Entire High-Tech Supply Chain," Canadian Corporate News, 13 October 1998).

Claim 1, as amended, recites "a set of user application modules . . . for allowing the customer to . . . enter the delivery change request; means for automatically recomputing a delivery sequence based on the delivery change request; and means for transmitting the recomputed delivery sequence to a delivery employee, the delivery employee delivering the goods according to the recomputed delivery sequence." Neither Business Wire nor CNN Matthews teaches or suggests these elements.

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Business Wire discloses a scheduler that allows customers to "interactively schedule their own deliveries according to their personal preferences while simultaneously optimizing delivery resources." (Business Wire, Par. 8).

CNN Mathews discloses an Energy DeliveryNet.com software that allows "shippers, customers, suppliers, manufacturers, carriers, freight-forwarders, and other trading partners to have real-time visibility of where products are in the supply chain via traditional Web browsers." (CNN Matthews, Par. 2).

The Examiner, in rejecting claim 28 and applying the rejection to claim 1, acknowledges that Business Wire fails to teach, among other limitations, the limitation of "receiving a delivery change request from the customer." (Office action, p. 3). The Examiner thereby acknowledges that Business Wire fails to teach the limitation in claim 1 of "a set of user application modules . . . for allowing the customer to . . . enter the delivery change request." However, the Examiner relies on the teachings of CNN Matthews as disclosing this limitation. Applicant respectfully disagrees.

Although CNN Matthews discloses that the Energy DeliveryNet.com software provides a web interface for allowing users access to the current status of shipments, and further discloses that the software provides notification to the users about exceptions to their orders and delivery schedules, there is no indication in either Business Wire or CNN Matthews that the customers may themselves enter a delivery change request which is then used to "automatically recomput[e] a delivery sequence based on the delivery change request" and "transmit[]

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the recomputed delivery sequence to a delivery employee, the delivery employee delivering the goods according to the recomputed delivery sequence."

The Examiner takes note that CNN discloses that the "system will generate proactive alert messages and notify individual end users for follow-up action." However, this does not teach or suggest the claimed "set of user application modules . . . for allowing the customer to . . . enter the delivery change request; means for automatically recomputing a delivery sequence based on the delivery change request; and means for transmitting the recomputed delivery sequence to a delivery employee, the delivery employee delivering the goods according to the recomputed delivery sequence."

The "dynamic real-time supply chain 'messages'" disclosed in CNN Matthews also fails to teach or suggests the claimed elements. That is, nothing in CNN Matthews teaches or suggests that the disclosed "messages" constitute a "delivery change request" which is then used to "automatically recomput[e] a delivery sequence based on the delivery change request" and "transmit[] the recomputed delivery sequence to a delivery employee, the delivery employee delivering the goods according to the recomputed delivery sequence." Accordingly, Applicant submits even the combination of Business Wire and CNN Matthews fails to teach or disclose all of the limitations of claim 1. Accordingly, claim 1 is now in condition for allowance.

Independent claims 11, 17, 19, 20, and 28 include limitations that are similar to the limitations of claim 1 which

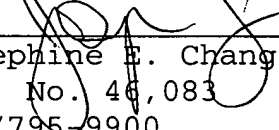
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make claim 1 allowable. Accordingly, claims 11, 17, 19, 20, and 28 are also in condition for allowance.

Claims 2-10, 12-16, 18, 21-27, and 29-36 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations contained therein.

In view of the above remarks, Applicant respectfully requests an early indication of allowance of claims 1-36.

Respectfully submitted,
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